

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Kozikowski, A.P. et al.

Serial No: 10/614,498

Filed: July 7, 2003

For: *Histone Deacetylase Inhibitors and
Methods of Use Thereof*

Examiner: Reyes, H.M.

Art Unit: 1625

Attorney Docket No.: **GUX-012.01**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as First Class Mail with sufficient postage on the date set forth below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 12, 2005
Date of Signature and Mail Deposit

By: 
John Barretto

Response to Restriction Requirement

Dear Examiner Reyes:

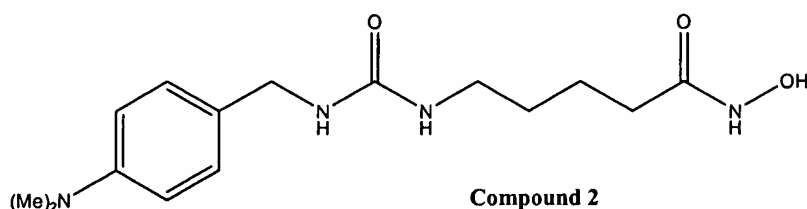
In response to the outstanding Restriction Requirement in the above-identified application, mailed August 19, 2005, the Applicants respectfully **Invention II**, claims 1-8 (in part), drawn to compounds wherein R¹ is aryl; classified in multiple classes and multiple subclasses.

However, the Applicants respectfully assert that simultaneous examination of the entire scope of claims 1-8 would not place an undue burden on the Examiner because all of the claims share a common structural limitation. *See* MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the

Applicants respectfully request that the Examiner modify the instant Restriction Requirement, examining in the instant application Inventions I-III, claims 1-8.

Election of Species for Search Purposes

With respect to Invention II, the Applicants respectfully elect the species depicted below. Among Invention II, claims 1, 2, 3, 6, and 7 read on the elected species.



Of course, the elections of Species made herein is made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. *See* 37 CFR 1.141.


Fees

The Applicants believe that no fees are due in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any fees due in connection with the filing of this Response to our Deposit Account, No. 06-1448.

Conclusion

The Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
Foley Hoag LLP

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